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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,159	01/26/2004	Hideaki Shimizu	723-1464	6751
27562 7590 11/07/2007 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER THOMASSON, MEAGAN J	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/763,159	Applicant(s) SHIMIZU, HIDEAKI	
	Examiner Meagan Thomasson	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1-14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1,2,4,5,7,11,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1) in view of Suzuku et al. (US 5,356,156).

Regarding claims 1,11,12 Oakes discloses a game apparatus, system and storage method used in association with a display, wherein a plurality of players participate and play a game on a display screen displayed on said display (Fig. 1), said

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game apparatus comprising one or more game program storage areas for storing a game program (Fig. 5), an operating member operated by the player (game controller 242, ¶0028), number of players detection programmed logic circuitry for detecting the number of players who participate in the game, a screen dividing programmed logic circuitry for dividing a display area included in said display screen by the number of the participating players and forming a plurality of divided areas (as shown in Fig. 6; Fig. 7A step 752 wherein each remote unit, i.e. player controller, is assigned a window; ¶0052-0053), and game image generating programmed logic circuitry for generating game images in each of said divided areas allotted to each player based on said game program and an operation from said operating member (¶0063).

Specifically, Oakes discloses a gaming system wherein multiple players utilize remote controller units in order to play a game. Each remote control unit is assigned to a portion, i.e. window, of a common display screen wherein gaming data for a given player is displayed in said window and all of the windows are displayed simultaneously on the common display screen.

Oakes does not specifically disclose evaluating value setting programmed logic circuitry for setting an evaluating value of each player according to a superiority or inferiority situation of a player content of each player and size changing programmed logic circuitry for changing a size of said divided areas allotted to each player based on said evaluating value. Instead, Oakes discloses that the display screen is divided equally among the players as described above. However, Oakes does specifically disclose that the size of the display windows may be adjusted (¶ 0055-0057). In an

analogous multi-player video game system, Suzuki discloses evaluating value setting programmed logic circuitry for setting an evaluating value of each player according to a superiority or inferiority situation of a play content of each player and changing a size of said divided area based on said evaluating value. That is, Suzuki evaluates a player to determine if the player is in an offensive, i.e. superior, situation or defensive, i.e. inferior, situation relative to the other player (col. 6, lines 45-56). If the evaluating value programmed logic circuitry determines that the player is in a superior situation, the display area displaying said superior situation player expands relative to the display area displaying the defensive player (Fig. 4 and 8). In this instance, the evaluated value is whether a player is in an offensive situation, and, if yes, enlarging the display area relative to the display area of the opponent player.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Oakes and Suzuki as both teach analogous multi-player video game inventions in the same field of endeavor (i.e. player entertainment). The inventions disclosed by Oakes and Suzuki are usable together, as the game of Suzuki may be implemented on the gaming system of Oakes without changing the respective function of either invention. That is, all of the claimed elements were known in the prior art and one could have combined the elements as claimed with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 2, Suzuki discloses said screen dividing programmed logic circuitry equally divides an area of said display area by said number of the participating

players, wherein said size changing programmed logic circuitry changes the area of said divided areas of each player (Fig. 3,4,6 and 8).

Regarding claims 4,5 and 8, Suzuki discloses said game image generating programmed logic circuitry generates a changed game image according to a size change of said divided areas by said size changing programmed logic circuitry (see Fig. 4 and 8, wherein the background images in the display area displaying the superior are adjusted to fill the expanded display area), thus changing a visual range.

Regarding claim 7, Oakes discloses the use of a video game machine connected to a common display and a plurality of hand-held game machines including a separate display connected to said video game machine (Fig. 1).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1), Suzuki et al. (US 5,356,156) and further in view of Kaneko et al. (US 5,879,235).

Regarding claim 3, Oakes/Suzuki disclose a multi-player video game apparatus and system comprising screen dividing capabilities for dividing a common display screen into multiple display areas, each area displaying a participating player, and adjusting said display areas for each player in accordance with an evaluated value as described above.

Oakes/Suzuki does not specifically disclose the game apparatus further comprises a circular display area wherein said screen dividing programmed logic circuitry equally divided said circular display area rendered by said number of the

participating players in such a manner that each divided area is rendered by an angle that passes the center thereof, said size changing programmed logic circuitry changes a center angle of said divided areas of each player. Instead, both Oakes and Suzuki disclose rectangular-shaped display areas. However, Kaneko discloses an analogous multi-player gaming system having a circular-shaped common display area, as shown in Fig. 1, capable of being divided into portions (the abstract discloses the game apparatus is configured for playing roulette, wherein it is notoriously well known that a roulette wheel is divided into multiple portions). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the circular display area of Kaneko for the multi-player gaming apparatus of Oakes/Suzuki and doing so does not change the overall functionality of the game. That is, the shape of the player areas, whether rectangular or wedge-shaped, does not affect the outcome of re-sizing the display areas in accordance with an evaluated superiority or inferiority situation of a player. A larger rectangular-shaped area conveys the same indication of a player having a superior situation as a larger wedge-shaped area and thus it would have been obvious to use either area shape.

Claims 6,9,10,13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakes et al. (US 2003/0181241 A1), Suzuki et al. (US 5,356,156) and further in view of Sciammarella et al. (US 6,608,633 B1).

Regarding claims 6,9,10,13 and 14, Oakes/Suzuki disclose a multi-player video game apparatus and system comprising screen dividing capabilities for dividing a

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common display screen into multiple display areas, each area displaying a participating player, and adjusting said display areas for each player in accordance with an evaluated value as described above.

Oakes/Suzuki does not specifically disclose end determining programmed logic circuitry for determining whether or not there is a player who ends the game out of the participating players, wherein said size changing programmed logic circuitry re-divided said display area by the number of the remaining players when determined by said end determining programmed logic circuitry that there is the player who ends the game, and determines a size of re-divided areas based on the evaluating value of the remaining players. However, Sciammarella discloses a method and structure for the display of multiple fields of information to a user. A single display is split into multiple display areas, each display area featuring a field of information. The size of each display area is based upon the relative importance of the field of information displayed therein, such that the more important fields occupy larger display areas relative to less important fields. The result is that a user may readily discern the relative importance of each information field based upon the size of the display area, wherein importance may be determined through the evaluation of a pre-selected factor including any of programming volume and /or frequency of use. For example, Fig. 8 displays multiple sports programming information fields in various display area sizes wherein the area sizes are determined by a selected measuring value such as length of program, frequency of use, volume of programming, etc. (col. 7, lines 6-22; col. 2, lines 27-47). This feature is analogous to display areas of differing sizes displaying game characters

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in accordance with some evaluated status of each character, as relative superiority or inferiority of a character's situation may be equated with the relative "importance" of each character. Further, Sciammarella discloses that the computer program operates to update the information displayed on the display screen in response to any changes detected in the selected measuring value (col. 3, lines 14-17). Thus, if the selected measured value is programming volume, i.e. how often a program is aired, then the most frequently shown programs would be displayed in the largest display areas of the screen. If a program is seldom or never aired, it would be removed from the display screen altogether and the remaining programs would fill the updated display.

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Oakes/Suzuki with Sciammarella as all of the claimed components were known in the prior art and one skilled in the art could have combined the components with no change in their respective functions to produce a predictable result.

Response to Arguments

Applicant's arguments, see Remarks P.1-4, filed August 16, 2007 with respect to the rejection of claims 1-14 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Oakes et al. (US 2003/0181241 A1) and Suzuki et al. (US 5,356,156).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes:

- Bates et al. (US 5,390,295), drawn to a method and apparatus for proportionally displaying windows on a computer screen according to the frequency of use of each window.
- Bromley et al. (US 4,672,541), drawn to a video game with interactive enlarged play action inserts.
- Miyamoto et al. (US 2002/0165028 A1), drawn to a game system displaying a game world on a common display and an individual display, said common display having split screen capabilities.
- Best (US 6,996,837 B1), drawn to a linked portable and video game system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson
November 1, 2007



XUAN M. THAI
SUPERVISORY PATENT EXAMINER